

JOINT
PUBLIC NOTICE

CHARLESTON DISTRICT, CORPS OF ENGINEERS
69A Hagood Avenue
Charleston, South Carolina 29403-5107
and
THE S.C. DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
Office of Environmental Quality Control
Water Quality Certification and Wetlands Programs Section
2600 Bull Street
Columbia, South Carolina 29201

REGULATORY DIVISION
Refer to: P/N #2002-1Z-485-W

1 November 2002

Pursuant to Sections 401 and 404 of the Clean Water Act (33 U.S.C. 1341), an application has been submitted to the Department of the Army and the South Carolina Department of Health and Environmental Control by

KEVIN GINN
456 BUNCOMBE STREET
EDGEFIELD, SOUTH CAROLINA 29824

for a permit to construct a pond along an unnamed tributary of

SHAW'S BRANCH

at a location southeast of the intersection of Woodyard Road and Egg House Road, approximately 4.3 miles southwest of Edgefield, Edgefield County, South Carolina (Latitude – 33.7769, Longitude – 81.8571).

In order to give all interested parties an opportunity to express their views

NOTICE

is hereby given that written statements regarding the proposed work will be received by both of the above mentioned offices until

12 O'CLOCK NOON, MONDAY, DECEMBER 2, 2002

from those interested in the activity and whose interests may be affected by the proposed work.

The proposed work consists of constructing an earthen embankment across a 4'-wide stream to create a 1.4-acre pond. The proposed embankment is to be approximately 300' long, 12' high, with a top width of 10' and a bottom width of 68'. Normal pool elevation is to be 97.0' above mean sea level. Construction of the proposed embankment will result in filling of 68 linear feet (0.006 acres) of streambed and 0.274 acres of wetlands. The proposed embankment will cause flooding of approximately 382 linear feet (0.035 acres) of streambed and 0.326 acres of wetlands. A total of 450 linear feet of streambed (0.04 acres) and 0.6 acres of wetlands will be impacted as a result of the proposed project. The applicant has submitted a plan to mitigate these impacts. The purpose of the proposed work is to construct a pond for the private recreational use of the applicant.

1 November 2002

NOTE: Plans depicting the work described in this notice are available and will be provided, upon receipt of a written request, to anyone that is interested in obtaining a copy of the plans for the specific project. The request must identify the project of interest by public notice number and a self-addressed stamped envelope must also be provided for mailing the drawings to you. Your request for drawings should be addressed to the

**U.S. Army Corps of Engineers
ATTN: REGULATORY DIVISION
69A Hagood Avenue
Charleston, South Carolina 29403-5107**

The District Engineer has concluded that the discharges associated with this project, both direct and indirect, should be reviewed by the South Carolina Department of Health and Environmental Control in accordance with provisions of Section 401 of the Clean Water Act. As such, this notice constitutes a request, on behalf of the applicant, for certification that this project will comply with applicable effluent limitations and water quality standards. The District Engineer will not process this application to a conclusion until such certification is received. The applicant is hereby advised that supplemental information may be required by the State to facilitate the review. Persons wishing to comment or object to Water Quality Certification must submit all comments in writing to the S.C. Department of Health and Environmental Control at the above address within thirty (30) days of the date of this notice.

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. Implementation of the proposed project would impact 0.64 acres of freshwater Waters of the United States well inside of estuarine substrates and emergent wetlands utilized by various life stages of species comprising the red drum, shrimp, and snapper-grouper management complexes. Our initial determination is that the proposed action would not have a substantial individual or cumulative adverse impact on EFH or fisheries managed by the South Atlantic Fishery Management Council and the National Marine Fisheries Service (NMFS). Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the NMFS.

The District Engineer has consulted the most recently available information and has determined that the project will have no effect on any Federally endangered, threatened, or proposed species and will not result in the destruction or adverse modification of designated or proposed critical habitat. This public notice serves as a request to the U.S. Fish and Wildlife Service and the National Marine Fisheries Service for any additional information they may have on whether any listed or proposed endangered or threatened species or designated or proposed critical habitat may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1973 (as amended).

The District Engineer has consulted the latest published version of the National Register of Historic Places for the presence or absence of registered properties, or properties listed as being eligible for inclusion therein, and this worksite is not included as a registered property or property listed as being eligible for inclusion in the Register. Consultation of the National Register constitutes the extent of cultural resource investigations by the District Engineer, and he is otherwise unaware of the presence of such resources. Presently unknown archaeological, scientific, prehistorical, or historical data may be lost or destroyed by the work to be accomplished under the requested permit.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for a public hearing shall state, with particularity, the reasons for holding a public hearing.

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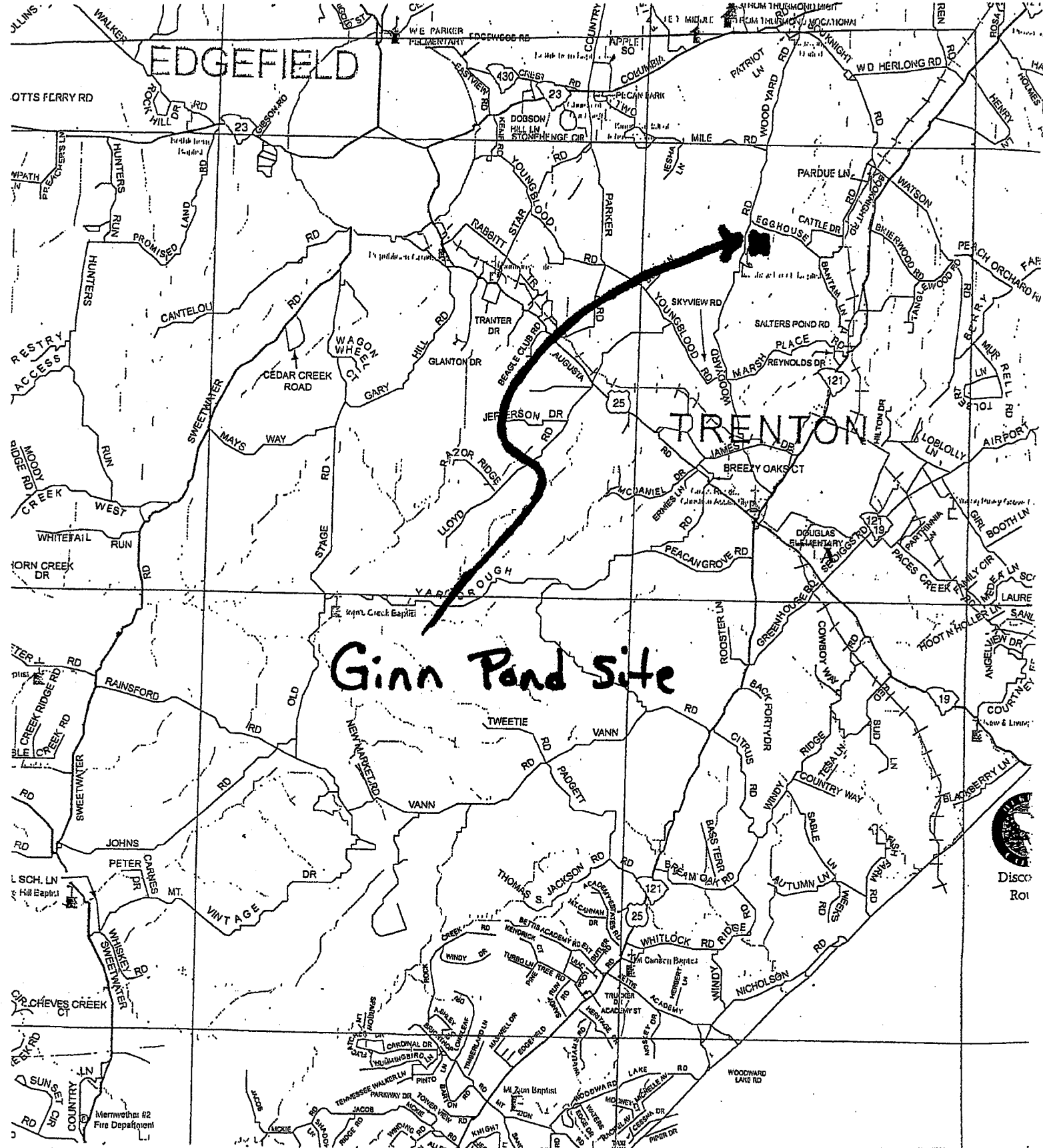
The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the activity on the public interest and will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency (EPA), under authority of Section 404(b) of the Clean Water Act and, as appropriate, the criteria established under authority of Section 102 of the Marine Protection, Research and Sanctuaries Act of 1972, as amended. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the project must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the project will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production and, in general, the needs and welfare of the people. A permit will be granted unless the District Engineer determines that it would be contrary to the public interest. In cases of conflicting property rights, the Corps of Engineers cannot undertake to adjudicate rival claims.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

If there are any questions concerning this public notice, please contact me at 843-329-8044 or toll free at 1-866-329-8187.

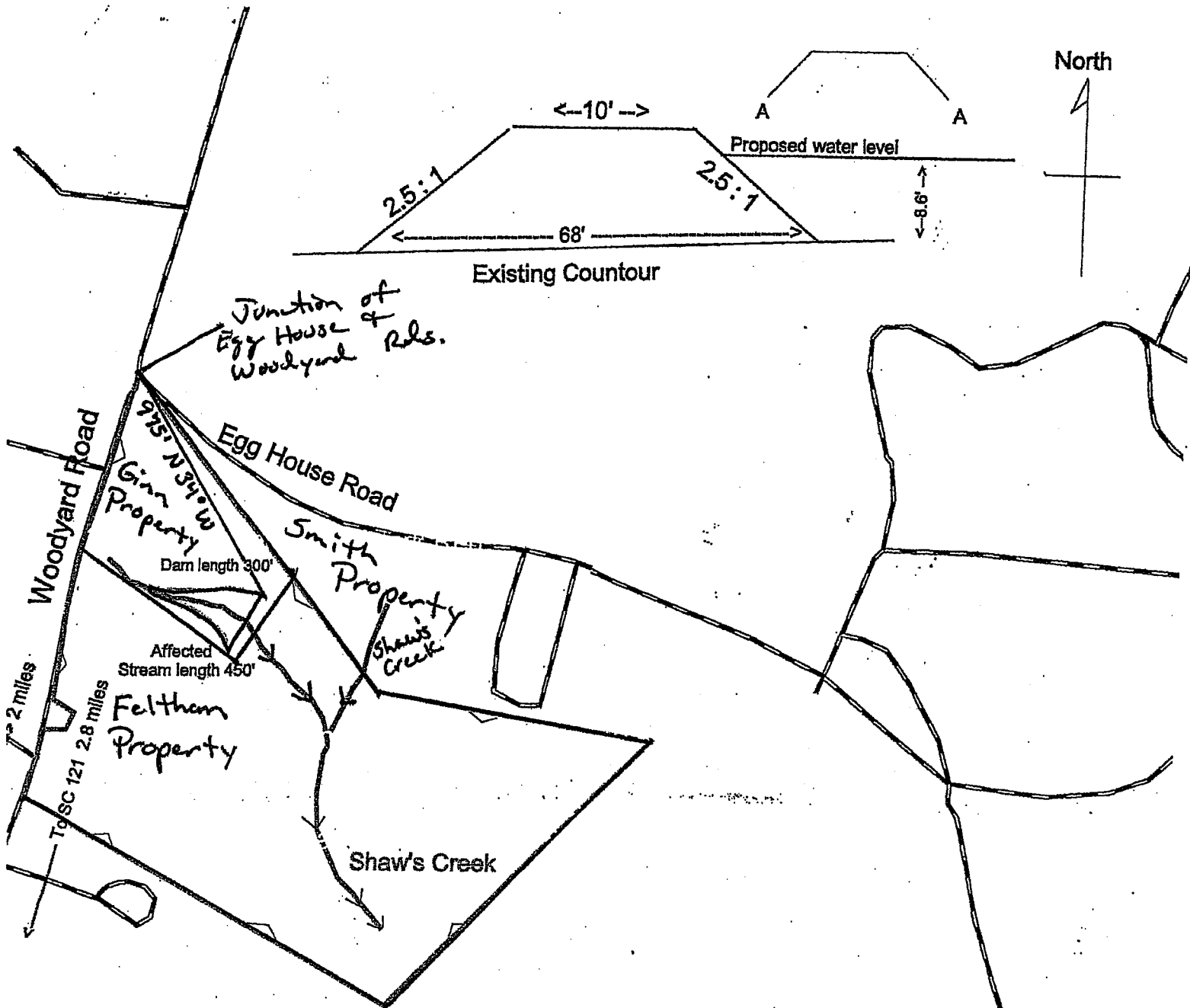


Larry Hanford
Project Manager
Regulatory Division
U.S. Army Corps of Engineers

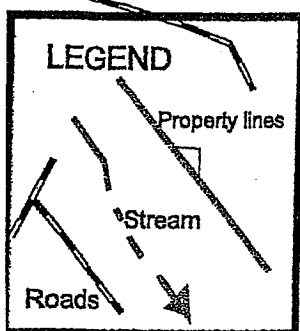


Project Title:		Kevin Ginn 1.4 acre Pond	
Project Location:		EDGEFIELD	
Woodyard Rd.		COUNTY	
Applicant:		Kevin Ginn	
Date: 9/25/02		Scale: N/A	
Application # 2002-12-485-01		Sheet 1 of 4	

Revisions		
Date	Initials	



* Distance to Northwest Corner of Dam is measured from the Junction of Woodyard & Egg House Roads. Angle is scaled from the map. Dam angles SE for 300'.



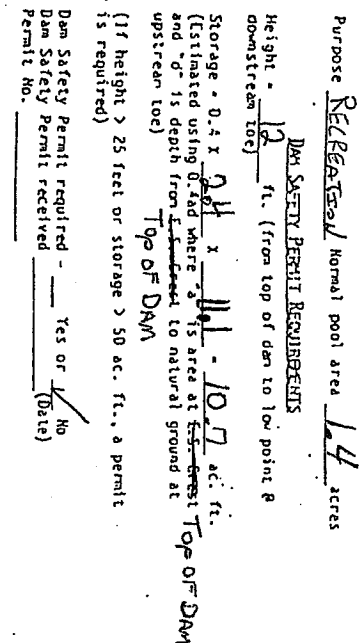
Revisions
Date Initials

Project title: Kevin Ginn Pond
Project location: Woodyard Road, Edgefield County
Applicant: Kevin Ginn
Date: 25 Sep 02 Scale: 1"=660'
Application #: Sheet 2 of 4

2002-12-485-W

2002-12-485-W
Sheet 3 of 4

52-1485-4 (Rev. 1/84)

Doit 91

DETAIL SHEET

$Q_{\pm} = 14 \text{ CFs}$
 $Q_0 = 1 \text{ CFs}$

Johnston Quadrangle

Proposed Pond
23.15 Ac. drainage
1.41 Ac. basin
0.6 Ac. Wetland impact

Intermittent Stream
Approx. 1600 Sq. Ft

Site is located at:
33.46.35 N
81.51.26 W

Revisions	Date	Initials

Project Title: Kevin Ginn Pond

Location: Woodyard Rd., Edgefield County, SC

Applicant: Kevin Ginn

Date: 25 Sep 02 Scale 1"=660'

Application # 2002-12-485-W Sheet 4 of 4

Mitigation Plan
for the construction of a pond for:

Kevin Ginn
456 Buncombe Street
Edgefield, SC 29824

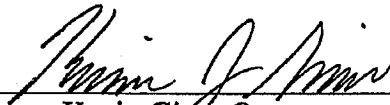
The 1.4 acre pond site to be mitigated is forested lands and cropland that contains waters of the United States (0.04 ac) and 0.6 acres of wetland. Mitigation of actual changes due to construction will be accomplished by implementing the following items:

1. The pond will be designed by USDA-NRCS to provide flood attenuation for the 25 year, 24 hour rainfall event and all smaller rainfall events. This will greatly exceed the storm storage capacity of the site in its present state.
2. The pond shall be designed by USDA-NRCS to have an adequate pipe size constructed from PVC pipe. The system shall consist of a riser and a barrel through the fill of the dam. The purpose of the riser installation is to allow present water conditions to be released downstream.
3. The pond will be designed with a permanent normal pool to function as a wet sediment trap. This will serve to collect sediments and related nutrients in the basin, in a manner similar to naturally occurring impoundments such as beaver ponds or swamps. Sediment trapping will aid in purifying the discharge waters and will continue to occur well past the initial construction phase. The completed structure will filter runoff from some 6 acres of cropland, further protecting existing wetlands downstream.
4. Construction will be monitored by NRCS personnel to insure that erosion levels during construction are minimized. Practices such as hay bale barricades, silt fencing, temporary seeding, or establishment of permanent vegetation will be advised on an as-needed basis throughout the course of the installation process. Permanent vegetation will be required as part of the completion of the construction phase.
5. Nest boxes for woodducks will be located around the pond in a manner consistent with the recommendations of the SC Department of Natural Resources.
6. A buffer will be established or retained where it already exists around the entire basin.
7. Protect and maintain native vegetation for wildlife habitat enhancement and water quality protection in buffered areas.
8. Move dam site upstream to avoid damage to approximately 0.75 acre of existing wetlands.
9. Grassed areas adjacent to the waterline will provide forage areas for migratory waterfowl. Marshy areas around the pond will exceed 900' in

length and will provide favorable environments for wading birds, small mammals, amphibians, reptiles, and insects. Woody buffers upstream and downstream will provide travel lanes for all species of wildlife.

10. An additional 0.5 acres of land having wetland characteristics will be created along the edges due to saturation.
11. Pond will be stocked to SC Department of Natural Resources recommendations. Management will be performed in accordance with Department guidelines.
12. The entire tract will be planned to the Resource Management System level by the Edgefield Field Office of the USDA-NRCS in cooperation with the Edgefield Soil and Water Conservation District.

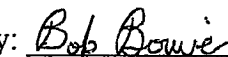
Agreed to by:


Kevin Ginn, Owner

Date:

9/26/02

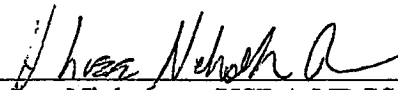
Concurred in by:


Bob Bowie, District Conservationist
USDA - NRCS

Date:


9-25-02

Prepared by:


Lee Nicholson, USDA-NRCS

Date:

9/25/02


Neil Bartley, SC DNR

Date:

25 Sep 02